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EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

2861

DATE MAILED:

08/28/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/369,543**

Applicant(s)  
**Stephen Temple**

Examiner  
**Thinh Nguyen**

Group Art Unit  
**2861**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-40 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-40 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jun 19, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Objections*

1. Claim 17 is objected to because of the following informalities:

Change of "each overprinting swath...it overprints." to "wherein each overprinting swath being of a different colours to the previously printed swath." is recommended.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-10, 12-34, 36-40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Helinski et al. (U.S. 5,724,079)

Helinski et al. discloses the instant claimed recording apparatus, including (fig.5) orifices arrays being arranged in blocks in a repeat pattern manner in which the orifices are spaced vertically and horizontally with respect to each other (col.3, lines 4-20). By way of the orifices arrangement and controlling of relative movement of the print head and ink-receiving medium mechanism by a well-known microprocessor, overlap printing swaths of different colors are formed during a number of passes (col.3).

### *Claim Rejections - 35 USC § 103*

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helinski et al. in view of Hawkins et al. (U.S. 5,710,582)

Helinski et al. discloses the instant claimed subject matters except for said printhead being greater than the receiving medium. However, it would be old and well known in the art of ink jet printers to use one or more full pagewidth array printbars to obtain a much higher print speed. As exemplified by Hawkins et al., a printbar is fixed in position adjacent to the path of the recording medium. Since there is no scan and re-scan time in these pagewidth printers, a much higher print speed (on the order of 10:1) is enabled. Moreover, printers using full width printheads (i.e., printbars) are known to offer several advantages over conventional printers in which a single printhead travels back and forth across the printing medium. The advantages of full width (or page width) printheads include faster printing speed, improved reliability, and quieter operation.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the pagewidth printhead in Helinski et al. thereby to enable a faster printing speed, reliability, and quieter operation.

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***Response to Amendment***

Applicant's Amendment filed June 19, 2000 has been entered and carefully considered. However, arguments with respect to claims 1-40 are not deemed to be persuasive.

Applicant (page 7, 2nd par.) argues that Helinski et al. can not print swaths of color.

Examiner disagrees with this contention noting that the term swath refers throughout the reference. As shown in figure 5, the swaths of any one color or both (i.e. 22, 26) can be printed in number of passes. Therefore, overlap printing can be done during further relative traverse.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., overlapping swaths of different colors in a previous and a subsequent printing traverse) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's piecemeal analysis with respect to the Hawkins et al. reference as disclosing the size of printhead relative to the print medium, one cannot show non-obviousness by attacking references individually where, as here, the

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rejections are based on combinations of references. Further, modification to the size of the structure of an invention would be expedient obvious to routine skill in the art.

In view of the foregoing reasons, the examiner asserts that all limitations have been properly evaluated and that the rejection as applied remains proper.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

***Contact Information***


Any inquiry concerning this communication should be directed to Examiner  
Thinh Nguyen at telephone number (703) 308-7487.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956

A handwritten signature in black ink, appearing to read 'Thinh Nguyen', with a stylized, flowing script.

Thinh Nguyen

August 25, 2000